

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT C. GREEN,

Defendant.

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8:06CR191

ORDER

This matter is before the court on the motion to continue by defendant Robert C. Green (Green) (Filing No. 26). Green seeks a continuance of the trial of this matter which is scheduled for October 10, 2006. Green's counsel represents that counsel for the government has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Green's motion to continue trial (Filing No. 26) is granted.
2. Trial of this matter is re-scheduled for **December 11, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 6, 2006 and December 11, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 6th day of October, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge